

ALLEN, DON April 30, 2009

Defendant's Objections

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8	inclusive	Relevancy/probative value	FRE 402, 403
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11	17-25	Relevancy/probative value/foundation (knowledge)	FRE 402, 403, 104 (602)
12	15-21	Relevancy/probative value/foundation (knowledge)	FRE 402, 403, 104 (602)
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37	1-17	Hearsay/relevancy/probative value	FRE 802, 402, 403
37-46	37:18 through 46:7 (exclusive of 38:14-19)	Relevancy/probative value/foundation (knowledge)/hearsay/leading	FRE 402, 403, 104 (602), 802, 611
46-47	46:24 through 47:5	Relevancy/probative value/hearsay	FRE 402, 403, 802
47-59	47:12 through 59:2	Relevancy/probative value/foundation (knowledge)/leading/best evidence/hearsay	FRE 402, 403, 104 (602), 611, 1002, 802
61	7-19	Relevancy/probative value leading/best evidence/hearsay	FRE 402, 403, 611, 1002, 802
63-66	63:3 through 66:22	Relevancy/probative value/foundation (knowledge)/leading/best evidence/hearsay	FRE 402, 403, 104 (602), 611, 1002, 802
67-79	67:12 through 79:8	Relevancy/probative value leading/best evidence/hearsay foundation (knowledge)	FRE 402, 403, 611, 1002, 802, 104 (602),

*Probative value objections may include grounds that the evidence has no probative value or, if the evidence has any probative value, it is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

ALSUP, TIM June 29, 2008

Defendants' Objections

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of term "disposal" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 76, ll. 6.	Pg. 78 , ll. 2.	Relevance; lacking foundation; misleading; assumes facts not in evidence; improper lay opinion testimony; hearsay	FRE 401, 402, 403, 602, 701, 801, 802
Pg. 78, ll. 7.	Pg. 78 , ll. 20.	Relevance; lacking foundation; misleading; assumes facts not in evidence; improper lay opinion testimony; hearsay	FRE 401, 402, 403, 602, 701, 801, 802
Pg. 84, ll. 23.	Pg. 85, ll. 7.	Relevance; lack of foundation	FRE 401, 402, 403, 602
Pg. 97, ll. 11.	Pg. 97, ll. 17.	Relevance; lack of foundation	FRE 401, 402, 403, 602
Pg. 98, ll. 22.	Pg. 99, ll. 21.	Relevance; lack of foundation	FRE 401, 402, 403, 602
Pg. 100, ll. 10.	Pg. 100, ll. 14.	Relevance; lack of foundation; misstates testimony	FRE 401, 402, 403, 602
Pg. 104, ll. 2.	Pg. 104, ll. 4.	Relevance; lack of foundation; misstates testimony	FRE 401, 402, 403, 602

Pg. 235, ll. 18.	Pg. 236, ll. 7.	Object to form: “waste impact” is vague, ambiguous, misstates testimony, and assumes facts not in evidence	FRE 403
Pg. 240, ll. 13.	Pg. 240, ll. 16.	Relevance; lack of foundation; calls for legal conclusion	FRE 401, 402, 403, 602
Pg. 263, ll. 14.	Pg. 265, ll. 3.	Relevance; lack of foundation; improper lay opinion testimony	FRE 401, 402, 403, 602, 701
Pg. 265, ll. 11.	Pg. 265, ll. 14.	Relevance; lack of foundation; improper lay opinion testimony	FRE 401, 402, 403, 602, 701
Pg. 271, ll. 8.	Pg. 271, ll. 12.	Relevance; lack of foundation; calls for legal conclusion	FRE 401, 402, 403, 602

Plaintiff’s Objections

Testimony Range	Objection	Authority
None		

TIM ALSUP 6-24-08**Defendants' Objections**

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of term "disposed" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 35, ll. 25.	Pg. 35, ll. 25.	Improper designation – incomplete question, no answer	FRE 401, 402, 403

Tim Alsup 6/24/2008 (Defendants' cont'd)

Pg. 53, ll. 9.	Pg. 53, ll. 23.	Relevance; unfair prejudice; not properly framed as 30(b)(6) question	FRE 401, 402, 403
Pg. 76, ll. 18.	Pg. 76, ll. 23.	Object to form: "core" at Pg. 76, ll. 18 is vague and ambiguous	FRE 403
Pg. 76, ll. 24.	Pg. 77, ll. 6.	Object to form: "integral" and "normal business function" at Pg. 77, ll. 1-2 are vague and ambiguous	FRE 403
Pg. 77, ll. 15.	Pg. 77, ll. 16.	Improper designation without answer; object to form: "essential" and "growing business" at Pg. 77, ll. 16 are vague and ambiguous	FRE 401, 402, 403
Pg. 82, ll. 23.	Pg. 83, ll. 5.	Lack of foundation; assumes facts not in evidence	FRE 401, 402, 403
Pg. 83, ll. 6.	Pg. 83, ll. 15.	Lack of foundation; assumes facts not in evidence; asked and answered	FRE 401, 402, 403
Pg. 83, ll. 17.	Pg. 83, ll. 23.	Lack of foundation; assumes facts not in evidence; asked and answered	FRE 401, 402, 403

Pg. 84, ll. 5.	Pg. 84, ll. 8.	Lack of foundation; assumes facts not in evidence; asked and answered	FRE 401, 402, 403
Pg. 110, ll. 5.	Pg. 110, ln. 11.	Relevance; lack of foundation; beyond the scope of designee's subject area	FRE 401, 402, 403, 602 Fed. R. Civ. P. 30(b)(6)
Pg. 112, ll. 4.	Pg. 112, ll. 9.	Hearsay	FRE 801, 802
Pg. 112, ll. 10.	Pg. 112, ll. 14.	Vague, ambiguous, causes confusion, misleading, contrary to testimony	FRE 403
Pg. 115, ll. 12.	Pg. 115, ll. 23.	Vague, ambiguous, causes confusion, misleading	FRE 403
Pg. 116, ll. 7.	Pg. 116, ll. 14.	Hearsay	FRE 801, 802
Pg. 116, ll. 23.	Pg. 117, ll. 14.	Hearsay; vague, ambiguous, causes confusion, misleading	FRE 403, 801, 802
Pg. 117, ll. 15.	Pg. 117, ll. 25.	Object to form: misstates prior testimony, unfair prejudice, misleading	FRE 403
Pg. 124, ll. 15.	Pg. 124, ll. 21.	Lack of foundation; beyond the scope of designee's subject area	FRE 602 Fed. R. Civ. P. 30(b)(6)
Pg. 138, ll. 4.	Pg. 138, ll. 9.	Object to form: unfair prejudice, misleading, mischaracterizes the testimony, assumes facts not in evidence	FRE 403
Pg. 140, ll. 20.	Pg. 141, ll. 6.	Ambiguous phrase "from a Cargill facility", misleading, misstates the evidence	FRE 403
Pg. 146, ll. 21.	Pg. 147, ll. 4.	Argumentative	FRE 401, 402, 403
Pg. 147, ll. 17.	Pg. 147, ll. 24.	Lack of foundation, causes confusion, misleading, misstates the evidence	FRE 403
Pg. 147, ll. 25.	Pg. 148, ll. 3.	Ambiguous, not a question, lack of foundation, causes confusion, misleading, misstates the evidence	FRE 403
Pg. 148, ll. 13.	Pg. 148, ll. 17.	Object to form: confusing, vague and ambiguous	FRE 403
Pg. 148, ll. 18.	Pg. 148, ll. 24.	Object to form: "disposed of", misleading, misstates	FRE 403

		the evidence, assumes facts not in evidence	
Pg. 150, ll. 20.	Pg. 152, ll. 14.	Hearsay; relevance; lack of foundation; vague, ambiguous, causes confusion, misleading	FRE 401, 402, 403, 602, 801, 802
Pg. 152, ll. 25.	Pg. 153, ll. 20.	Hearsay; "high" is vague, ambiguous, unfairly prejudicial	FRE 403, 801, 802
Pg. 154, ll. 5.	Pg. 154, ll. 17.	"High" is vague, ambiguous, unfairly prejudicial	FRE 403
Pg. 154, ll. 18.	Pg. 155, ll. 3.	Hearsay; "high" is vague, ambiguous, unfairly prejudicial	FRE 403, 801, 802
Pg. 155, ll. 4.	Pg. 155, ll. 15.	Hearsay; lack of foundation; "high" is vague, ambiguous, misstates the evidence, unfairly prejudicial	FRE 403, 602, 801, 802
Pg. 156, ll. 4.	Pg. 156, ll. 9.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 160, ll. 10.	Pg. 160, ll. 17.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 160, ll. 24.	Pg. 161, ll. 19.	Object to form: "pathogens" is vague, ambiguous, asked and answered, assumes facts not in evidence	FRE 403
Pg. 163, ll. 12.	Pg. 164, ll. 22.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 175, ll. 20.	Pg. 176, ll. 2.	Object to form: "high" is vague and ambiguous.	FRE 403
Pg. 177, ll. 21.	Pg. 177, ll. 24.	Object to form: "disposed of" unfair prejudice, misleading, contrary to evidence	FRE 403
Pg. 179, ll. 6.	Pg. 180, ll. 6.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 180, ll. 14.	Pg. 181, ll. 9.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 184, ll. 1.	Pg. 185, ll. 25.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 185, ll. 10.	Pg. 185, ll. 25.	Lack of foundation	FRE 602
Pg. 193, ll. 1.	Pg. 193, ll.	Object to form: unfair	FRE 403

	18.	prejudice, misleading, assumes facts not in evidence, misstates the testimony	
Pg. 194, ll. 1.	Pg. 194, ll. 8.	Object to form: unfair prejudice, misleading, assumes facts not in evidence, misstates the testimony	FRE 403
Pg. 194, ll. 15.	Pg. 195, ll. 2.	Object to form: unfair prejudice, misleading, assumes facts not in evidence, misstates the testimony	FRE 403
Pg. 200, ll. 21.	Pg. 201, ll. 9.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 202, ll. 19.	Pg. 203, ll. 4.	Beyond the scope of designee's subject matter.; object to form: confusing	Fed. R. Civ. P. 30(b)(6); FRE 403
Pg. 207, ll. 4.	Pg. 208, ll. 2.	Hearsay	FRE 801, 802
Pg. 214, ll. 20.	Pg. 215, ll. 2.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)

Plaintiff's Objections

Testimony Range	Objection	Authority
112:21	Move to strike answer as not responsive to question	

TIM ALSUP 6-25-08

Defendants' Objections

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of terms "disposal" or "disposed" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 242, ll. 18.	Pg. 242, ll.	mischaracterizes	FRE 403

	21.	testimony, misleading, states facts not in evidence	
Pg. 307, ll. 17.	Pg. 307, ll. 23.	Hearsay; Relevance.	FRE 401, 402, 403, 801, 802

Tim Alsup 6/25/2008 (Defendants' cont'd)

Pg. 308, ll. 20.	Pg. 309, ll. 1	Object to form: argumentative, confusing, vague, ambiguous, mischaracterizes the document	FRE 403
Pg. 326, ll. 10.	Pg. 326, ll. 25.	Relevance; object to form: assumes facts not in evidence, "excessive level" at Pg. 326, ll. 12 and "high" at Pg. 326, ll. 22 are vague, ambiguous, unfair prejudice, misleading	FRE 401, 402, 403
Pg. 334, ll. 22.	Pg. 335, ll. 18.	Hearsay; beyond the scope of designee's subject matter.	FRE 801, 802, Fed. R. Civ. P. 30(b)(6)
Pg. 337, ll. 20.	Pg. 339, ll. 15.	Relevance; hearsay; lack of foundation; beyond the scope of designee's subject matter.	FRE 401, 402, 602, 801, 802, Fed. R. Civ. P. 30(b)(6)
Pg. 344, ll. 13.	Pg. 344, ll. 25.	Hearsay; relevance; unfairly prejudicial; beyond the scope of designee's subject matter, misleading.	FRE 401, 402, 403, 801, 802, Fed. R. Civ. P. 30(b)(6)
Pg. 351, ll. 5.	Pg. 351, ll. 11.	Object as to form: vague and ambiguous; beyond the scope of designee's subject matter	FRE 401, 402, 403, Fed. R. Civ. P. 30(b)(6)
Pg. 355, ll. 22.	Pg. 356, ll. 11.	Lack of foundation; beyond the scope of designee's subject matter	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 357, ll. 5.	Pg. 360, ll. 2.	Lack of foundation; beyond the scope of designee's subject matter	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 360, ll. 20.	Pg. 361, ll. 10.	Hearsay	FRE 801, 802
Pg. 381, ll. 19.	Pg. 381, ll. 25.	Relevance; improper designation without answer; lack of foundation; beyond the scope of	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)

		designee's subject matter.	
Tim Alsup 6/25/2008 (Defendants' cont'd)			
Pg. 383, ll. 4.	Pg. 384, ll. 2.	Relevance; lack of foundation; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 388, ll. 4.	Pg. 388, ll. 16.	Relevance; lack of foundation; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 389, ll. 8.	Pg. 390, ll. 4.	Relevance; lack of foundation; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 390, ll. 13.	Pg. 390, ll. 20.	Relevance; lack of foundation; argumentative; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 390, ll. 21.	Pg. 391, ll. 21.	Relevance; lack of foundation; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 400, ll. 20.	Pg. 401, ll. 3.	Relevance; lack of foundation; vague and ambiguous; beyond the scope of designee's subject matter.	FRE 401, 402, 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 405, ll. 6.	Pg. 405, ll. 13.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 405, ll. 14.	Pg. 405, ll. 20.	Beyond the scope of designee's subject matter.	Fed. R. Civ. P. 30(b)(6)
Pg. 405, ll. 21.	Pg. 406, ll. 10.	Object to form: compound, confusing, vague, and ambiguous	FRE 403

Plaintiff's Objections

Testimony Range	Objection	Authority
330:24	Move to strike as not responsive to question	
408:23	Rule 403, Leading, vague, ambiguous and unintelligible	FRE 403
409: 4 & 6	Leading, vague, ambiguous and unintelligible	
409:20	Rule 401, 403 Relevance	FRE 401, 403
410:5	Rule 401, 403 Relevance	FRE 401, 403
410:23	Rule 401, 403 Relevance – deponent is a 30b6	FRE 401, 403

	witness and was clearly unprepared by his own admission	
411:6	Rule 401, 403 Relevance – deponent is a 30b6 witness and was clearly unprepared by his own admission – leading, vague, ambiguous	FRE 401, 403

BLAKE, JOHN April 3, 2009

Defendants' Objections

Testimony Range	Objection	Authority
18:6-19:5	Foundation (Expert Opinion)	
19:6-11	Foundation (Expert Opinion); 403 (Vague, Unfair Prejudice, Misleading)	403
19:12-20:6	Foundation (Expert Opinion); 403 Mischaracterization, Unfair Prejudice, Misleading)	403
32:8-32:18	Foundation Speculation	602
33:23-34:7	Foundation (Speculation); 403 (Vague, Misleading)	403, 602
34:8-34:22	Foundation (Speculation); 403 (Vague, Misleading)	403, 602
34:23-35:9	Foundation (Speculation); Leading	602
35:10-35:18	Foundation (Speculation)	602
35:19-36:21	Foundation (Speculation); 403 (Confusing, Misleading)	403, 602
37:7-38:19	Foundation (Speculation); Improper Form (not a question)	602
43:18-45:6	403 (Unfair Prejudice, Misleading)	403
45:7-45:19	403 (Unfair Prejudice, Misleading); Leading	403
61:12-62:8	Foundation (Speculation); 403 (Unfair Prejudice, Misleading, Asked and Answered)	403, 602
62:9-62:23	Foundation (Speculation, Expert Opinion); 403 (Unfair Prejudice, Misleading); Leading	403, 602

63:1-63:18	Foundation (Speculation, Expert Opinion); 403 (Unfair Prejudice, Misleading); Leading	403, 602
63:19-64:1	Foundation (Speculation, Expert Opinion); Leading	602
64:2-64:8	Foundation (Speculation, Expert Opinion); 403 (Asked and Answered); Leading	403, 602
64:12-64:22	Foundation (Speculation, Expert Opinion); 403 (Asked and Answered, Mischaracterization); Leading	403, 602
64:23-65:6	Foundation (Speculation, Expert Opinion); 403 (Asked and Answered); Leading	403, 602
65:7-66:3	Foundation (Speculation, Expert Opinion); 403 (Asked and Answered); Leading	403, 602
68:5-70:6	Foundation (Speculation); 403 (Unfair Prejudice, Misleading)	403, 602
72:20-73:15	Foundation (Speculation); 403 (Unfair Prejudice, Misleading)	403, 602

Plaintiffs' Objections

Testimony Range	Objection	Authority
91:16-21	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a	Rule 611(c), Rule 701

	"nutritionist by training" and was not qualified to answer questions such as this one.)	
92:3-5	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
92:8-10	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
92:12-14	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
92:17	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a	Rule 611(c), Rule 701

	"nutritionist by training" and was not qualified to answer questions such as this one.)	
92:20	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
92:23-93:1	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
93:4-5	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
93:7-8	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a	Rule 611(c), Rule 701

	"nutritionist by training" and was not qualified to answer questions such as this one.)	
93:11-14	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
93:19-22	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
94:2-4	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
94:7-8	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a	Rule 611(c), Rule 701

	"nutritionist by training" and was not qualified to answer questions such as this one.)	
94:11-12	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
94:15-16	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
94:19-20	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
94:23-95:1	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a	Rule 611(c), Rule 701

	"nutritionist by training" and was not qualified to answer questions such as this one.)	
95:4-8	Rule 611(c), leading; lacks foundation; vague; unintelligible; Rule 701, witness not qualified (see P. 17, l. 22 through P. 18, l. 5 and P. 95, ll. 16-21 where witness said he was a "nutritionist by training" and was not qualified to answer questions such as this one.)	Rule 611(c), Rule 701
100:9-13	Rule 611(c), leading; and no foundation. Rule 602, not within witness's knowledge	Rule 611(c), Rule 602
109:19-110:3, 110:6-7	Rule 402-Relevance; no foundation. Rule 602, witness lacks personal knowledge. Rule 701, opinion testimony, witness not qualified to give	Rule 402, Rule 602, Rule 701

BOLTON, BARRY AUGUST 5, 2008

DEFENDANTS' OBJECTIONS

Page	Line(s)	Objection	Authority
128	19-25	Hearsay/Foundation (based on telephone conversation during break in the deposition); Relevancy/probative value (spontaneous information not responsive to a question posed; response references previous testimony in the transcript that was not designated, making it nonsensical)	FRE 104, 402, 403, 802
129	1-4	Hearsay/Foundation (based on telephone conversation during break in the deposition); Relevancy/probative value (spontaneous information not responsive to a question posed; response references previous testimony in the transcript that was not designated, making it nonsensical)	FRE 104, 402, 403, 802
192	17-25	Hearsay; Foundation; Relevancy/probative value (pure "speculation" in his own words at p 193, line 2; based on "anecdotal" information)	FRE 104, 402, 403, 802
193	1, 6-18, 21-22	Hearsay; Foundation; Relevancy/probative value (pure "speculation" in his own	FRE 104, 402, 403, 802

		words at p 193, line 2; based on "anecdotal" information)	
198	9-25	Hearsay; Foundation; Relevancy/probative value (pure "speculation" and "anecdotal" in his own words at p 193, line 2 and p 199, lines 1-2; calls for expertise without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802
199	1-9	Hearsay; Foundation; Relevancy/probative value (pure "speculation" and "anecdotal" in his own words at p 193, line 2 and p 199, lines 1-2; calls for expertise without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802
199	13-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (references to Tulsa lawsuit, after Magistrate has held such information to be not relevant in this case; based on unidentified and unauthenticated newspaper articles as a source; "guess" and "intuition" in his own words at p. 199, lines 20, 24; calls for expertise without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802, 1002
200	1-11	Relevancy/probative value; Prejudicial;	FRE 104, 402, 403, 702, 802,

		Hearsay/Best Evidence; Foundation (references to Tulsa lawsuit, after Magistrate has held such information to be not relevant in this case; based on unidentified and unauthenticated newspaper articles as a source; "guess" and "intuition" in his own words at p. 199, lines 20, 24; calls for expertise without properly qualifying the witness as expert)	1002
201	4-25	Hearsay/Best Evidence (reliance on unidentified and unauthenticated newspaper articles as a source, to prove truth of matters asserted); Foundation and Prejudice (Seeks expert or legal opinion on CAFO's and witness not an expert, and unknowledgeable; reference is confusing, misleading); Relevancy/probative value; ultimate issue (use of word "waste")	FRE 104, 402, 403, 702, 802, 1002
202	1-14	Hearsay/Best Evidence (reliance on unidentified and unauthenticated newspaper articles as a	FRE 104, 402, 403, 702, 802, 1002

		source, to prove truth of matters asserted); Foundation and Prejudice (Seeks expert or legal opinion on CAFO's and witness not an expert, and unknowledgeable; reference is confusing, misleading); Relevancy/probative value; ultimate issue (use of word "waste")	
203	21-25	Relevancy/probative value; Prejudicial (references to other watersheds, after Magistrate has held such information to be not relevant in this case)	FRE 402, 403
204	1-13	Relevancy/probative value; Prejudicial (references to other watersheds, after Magistrate has held such information to be not relevant in this case)	FRE 402, 403
210	6-25	Relevancy/probative value (spontaneous information not responsive to a question posed; response actually provided at page 211, lines 14-15 – the portion designated here at 210:6-25 is self-serving, unresponsive, cumulative, waste of time, confusing, and misleading)	FRE 402, 403
211	1-9	Relevancy/probative value (spontaneous information not responsive to a question	FRE 402, 403

		posed; response actually provided at page 211, lines 14-15 – the portion designated here at 211:1-9 is self-serving, unresponsive, cumulative, waste of time, confusing, and misleading)	
215	8-12	Hearsay/Best Evidence (reliance on unidentified “textbooks” as a source, to prove truth of matters asserted); Relevancy/probative value; Foundation (confusing in that it asserts some weight to the opinions without proper foundation)	FRE 104, 402, 403, 802, 1002
223	5-8	Foundation (Seeks expert or legal opinion on uses without properly qualifying the witness as an expert; lack of competency)	FRE 104, 402, 403

DEPOSITION OF BARRY BOLTON: OCTOBER 10, 2008

DEFENDANTS’ OBJECTIONS

Page	Line(s)	Objection	Authority
188	18-25	Relevancy/probative value; Hearsay/Foundation (based on conversations with “Jim” and “Paul Balkenbush” regarding droughts and high water, offered for truth of the matter asserted in those out of court conversations; speculative and misleading)	FRE 104, 402, 403, 802
189	1-5	Relevancy/probative	FRE 104, 402,

		value; Hearsay/Foundation (based on conversations with "Jim" and "Paul Balkenbush" regarding droughts and high water, offered for truth of the matter asserted in those out of court conversations; speculative and misleading)	403, 802
189	23-25	Relevancy/probative value; Foundation (information not responsive to a question posed)	FRE 104, 402, 403
190	1	Relevancy/probative value; Foundation (information not responsive to a question posed)	FRE 104, 402, 403
204	18-23	Hearsay (refers to and relies on an "expert report" for the truth of the matters asserted in that report); Foundation; Relevancy/probative value (speculative; lack of proper foundation for expertise on temperature and oxygen effects)	FRE 104, 402, 403, 702, 802
209	21-25	Relevancy/probative value; Hearsay/Foundation (based on conversations with "Jim Burroughs" and "Paul Balkenbush" regarding walleye populations, offered for truth of the matter asserted in those out of court conversations;	FRE 104, 402, 403, 802

		speculative and misleading)	
210	1-8	Relevancy/probative value; Hearsay/Foundation (based on conversations with "Jim Burroughs" and "Paul Balkenbush" regarding walleye populations, offered for truth of the matter asserted in those out of court conversations; speculative and misleading)	FRE 104, 402, 403, 802
212	3-12	Relevancy/probative value; Foundation (information not responsive to a question posed)	FRE 104, 402, 403
216	23-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (references to unauthenticated copies of stocking reports as a source, to prove truth of matters asserted therein)	FRE 104, 402, 403, 802, 1002
217	1-25	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence; Foundation (references to unauthenticated copies of stocking reports as a source, to prove truth of matters asserted therein)	FRE 104, 402, 403, 802, 1002
218	1-13	Relevancy/probative value; Prejudicial; Hearsay/Best Evidence;	FRE 104, 402, 403, 802, 1002

		Foundation (references to unauthenticated copies of stocking reports as a source, to prove truth of matters asserted therein)	
219	23-25	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of fishery reports to prove truth of matters asserted therein; reliance on and reference to out of court conversations with "Paul Balkenbush"); Relevancy/probative value; Foundation (calls for expertise on water quality parameters without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802, 1002
222	15-25	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of fishery reports to prove truth of matters asserted therein; reliance on and reference to out of court conversations with "Paul Balkenbush"); Relevancy/probative value; Foundation (calls for expertise on water quality parameters without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802, 1002

223	1-21	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of fishery reports to prove truth of matters asserted therein; reliance on and reference to out of court conversations with "Paul Balkenbush"); Relevancy/probative value; Foundation (calls for expertise on water quality parameters without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802, 1002
224	14-24	Hearsay/Best Evidence; Foundation (references to unauthenticated copies of fishery reports to prove truth of matters asserted therein; reliance on and reference to out of court conversations with "Paul Balkenbush"); Relevancy/probative value; Foundation (calls for expertise on water quality parameters without properly qualifying the witness as expert)	FRE 104, 402, 403, 702, 802, 1002

225	18-25	Relevancy/probative value; Foundation (information not responsive to a question posed); Relevancy/probative value; Foundation (speculative; lack of proper foundation for expertise on proffered opinions about poultry litter impacts on a watershed); Hearsay (refers to and relies on a report by "Jan Stevenson" for the truth of the matters asserted in that report)	FRE 104, 402, 403, 702, 802
226	1-23	Relevancy/probative value; Foundation (information not responsive to a question posed); Relevancy/probative value; Foundation (speculative; lack of proper foundation for expertise on proffered opinions about poultry litter impacts on a watershed); Hearsay (refers to and relies on a report by "Jan Stevenson" for the truth of the matters asserted in that report)	FRE 104, 402, 403, 702, 802
228	8-21	Relevancy/probative value; Foundation (information not responsive to a question posed);	FRE 104, 402, 403, 702, 802

		Relevancy/probative value; Foundation (speculative; lack of proper foundation for expertise on proffered opinions about poultry litter impacts on a watershed); Hearsay (refers to and relies on a report by "Jan Stevenson" for the truth of the matters asserted in that report)	
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BUTLER, LEASA -- August 22, 2007**Defendants' Objections**

Start	Stop	Objection
Pg. 28, ll. 18.	Pg. 28, ll. 20.	Objection: Calls for legal conclusion
Pg. 73, ll. 1.	Pg. 73, ll. 15.	Objection. Calls for legal conclusion.
Pg. 91, ll. 11.	Pg. 91, ll. 13.	Objection: Misleading.
Pg. 98, ll. 9.	Pg. 98, ll. 20.	Objection. Irrelevant and Probative Value Outweighed by prejudice, confusion of issues and misleading.

CONNER, DOUGLAS**Defendants' Objections**

Testimony Range	Objection	Authority
None		

Plaintiff's Objections

Testimony Range	Objection	Authority
28:7-14	Rule 403 Confusion of issues; Rule 602 Foundation; Rule 701 Opinion of lay witness without specialized knowledge	For all authority, see Rules cited in Objection column
32:4-23 (Lines 4, 9, 11 13, 19)	Rule 401, 403 Relevance	
34:19-25	Rule 401,403 Relevance	
35:1-21 (Line 1, 4, 10)	Rule 401, 403 Relevance	
37:12-25 (Line 12)	Rule 401 Relevance no question pending	
38:11-39:1 (Line 11, 20)	Rule 401,403 Relevance	
42:21-22	Rule 401 Relevance No response designated	
43:19-21	Move to strike, not responsive & no question designated	
46:17 (Line 17)	Rule 401,403 Relevance	
52:16-21	Rule 401,430 Relevance; Rule 602 Foundation; Rule 701 Lay opinion without specialized knowledge; Calls for speculation	
53:19-22	Rule 403 Relevance, confusion of issues due to limited knowledge of witness; Rule 602 Lack of knowledge, Foundation	
54:9-23	Assumes facts not in evidence, vague	
55:2-12	Object to form; Vague, Mischaracterized previous testimony	
56:2-10	Rule 403 confusion of issues; Rule 602 Lack of Foundation	
59:10-25 (Lines 10 & 13)	Rule 403 relevance, confusion of issues and misleading, no foundation that suit can be filed for alleged violation	
61:13-62: 1 (Line 13, 24)	Rule 401,403 Relevance; Rule 602 Lack of Knowledge; Rule 701 Opinion of lay witness regarding what is safety investigation, Rule 802 Hearsay where no foundation laid	

62:2-5 (Line 2)	Rule 401 & 403 Relevance Confusion of issues, misleading	
62:6-10 (Line 6)	Rule 403 Relevance Confusion of issues, misleading	
62:11-14 (Line 11)	Rule 401,403, Relevance, Misleading, Rule 602 Foundation, Rule 701 Opinion of law witness without specialized knowledge	
64:11-14	Object as to form, as to use of term "Disinfection Byproduct Rule" vague, ambiguous, assumes facts there is such a "Rule"	
67:4-7	Objection as to form, vague, ambiguous, Assumes facts that he would know for all time not just his "tenure"	
67:19-68:2 (Line 19, 25)	Rule 401 Relevance	
68:13-18 (Line 13)	Rule 401 Relevance	
70:18-21	Object to form assumes facts as to the "ever" knowledge of this witness	
70:22-24 (Line 22)	Rule 403 Relevance, confusion and misleading of the issues	
71:3-6	Rule 403 Relevance, confusion and misleading of the issues	
72:13-25 (Line 13, 24)	Rule 401,403 relevance, confusion of issues and misleading	

CRAIG, JON April 20, 2009

Defendants' Objections

Testimony Range	Objection	Authority
None		

Plaintiffs' Objections

Testimony Range	Objection	Authority
Pg. 29, ll. 7 - 8		Rule 602
Pg. 62, ll. 24 - Pg. 63, ll. 3	Assumes facts not in evidence	
Pg. 89, ll. 6-11	Objections: Calls for speculation; (have not established that Mr. Craig has personal knowledge)	Rule 402 Rule 602
Pg. 104, ll. 4 - 8	Objections: (no foundation for any basis of knowledge); (no foundation for opinion testimony); calls for speculation	Rule 602 Rule 701
Pg. 108, ll. 8 - 21	Objections: This entire line of questioning is irrelevant; that is, whether Mr. Craig knows why the AG did or did not take certain actions in this litigation is immaterial; also calls for speculation as to AG's motivations	Rule 402
Pg. 109, ll. 5 - 19	Objections: This entire line of questioning is irrelevant; that is, whether Mr. Craig knows why the AG did or did not take certain actions in this litigation is immaterial; also calls	Rule 402

	for speculation as to AG's motivations	
Pg. 109, ll. 20 - Pg. 110, ll. 17	Objection: Relevance not material whether Mr. Craig was "surprised" -- as Mr. Craig explains, he is not familiar with CERCLA. [110:18-25 provides additional support]	Rule 402 Rule 403
Pg. 112, ll. 3 - 21	Object to this entire line of questioning on relevancy grounds or 403 grounds as DEQ does not regulate land application of poultry waste.	Rule 403
Pg. 113, ll. 1 - 5	Object to this entire line of questioning on relevancy grounds or 403 grounds as DEQ does not regulate land application of poultry waste.	
Pg. 113, ll. 11 - 15	Objections: Assumes a fact not in evidence;	Rule 402 (Relevance)
Pg. 113, ll. 16 - 20	Objection: no foundation for any basis of knowledge; no foundation for any basis for opinion	Rule 602 Rule 701
Pg. 113, ll. 24 - Pg. 114, ll. 7	Objection: no foundation for any basis of knowledge; no foundation for any basis for opinion	Rule 602 Rule 701
Pg. 115, ll. 8 - 13	Objection: DEQ does not regulate the land application of poultry waste; so Mr. Craig would have no reason to know	Rule 402 Rule 403
Pg. 116, ll. 4 - 9	Objection: Assumes facts not in evidence; asked and answered;	Rule 402 Rule 403.

Pg. 126, ll. 14 - Pg. 127, ll. 8	Objection: with no evidence of quantification, any evidence regarding Watts is immaterial	Rule 402 Rule 403
Pg. 142, ll. 1 - 22	Object to entire line of questioning about Southwest City, Missouri as wholly irrelevant (specifically object to question and testimony as to Simmons being a "good partner" as irrelevant and improper character evidence)	Rule 402 Rule 403 Rule 404
Pg. 154, ll. 6 - 10		Rule 402

CRUTCHER, JAMES, M.D., DECEMBER 20, 2007

Defendants' Objections

Testimony Range	Objection	Authority
40:1 - 11	Lack of foundation; lack of personal knowledge; witness not qualified as expert on topic	FRE 60, FRE 701 FRE 702/703
61:10 - 22	Lack of foundation; lack of personal knowledge; witness not qualified as expert on topic; calls for speculation; argumentative; leading; see Plaintiffs' objections on pages 59 and 62 of deposition on same general topic.	FRE 602, FRE 611 FRE 701 FRE 702/703
74:18 – 75:12	Lack of foundation; lack of personal knowledge; witness not qualified as expert on topic; calls for speculation; argumentative; lack of relevance; hearsay; see Plaintiffs' objection on pages 59 and 62 of deposition on same general topic	FRE 402 FRE 602 FRE 701 FRE 702/703 FRE 802
75:13 – 76:3	Lack of foundation; lack of personal knowledge; witness not qualified as expert on topic; calls for speculation; argumentative; lack of relevance; see Plaintiffs' objections on page 59 and 62 of deposition on same general topic	FRE 402, FRE 602 FRE 701 FRE 702/703
77:11 - 14	Assumes facts not in evidence; hearsay	FRE 802
87:24 – 88:12	Lack of foundation; lack of personal knowledge; witness not qualified as expert on topic; calls for	FRE 402 FRE 602 FRE 701 FRE 702/703

	speculation; lack of relevance; hearsay; see Plaintiffs objections on pages 59 and 62 of deposition on same general topic	FRE 802
88:21 – 89:9	Assumes facts not in evidence; lack of foundation; lack of relevance; witness not qualified as expert on topic	FRE 402 FRE 702/703

Plaintiffs' Objections

Testimony Range	Objection	Authority
38:8 – 14 & 38:18 – 39:1	Objection: no foundation as to factual knowledge; no foundation for opinion testimony; witness is speculating: "I would think so..."	Rule 602 Rule 701
39:18 - 20	Objection: Relevance; no foundation for factual knowledge; no basis established for opinion.	Rule 402 Rule 403 Rule 602 Rule 701
56:12 - 18	Objection: Form--argumentative.	
Pg. 59, ll. 9 - 22 & Pg. 60, ll. 2 - Pg. 61, ll. 9	Objection: Form (compound question); calls for opinion testimony without foundation of basis for opinion/inadequate basis for opinion/improper solicitation of opinion from nonretained expert; (summary where it is unclear what the supporting evidence is)	Rule 701 Rule 1006
73:1 - 12	Objection: relevance	Rule 402

123:25 – 124:14	Objection: condition of other waterways -- outside of the IRW -- is irrelevant.	Rule 402
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DALTON, DONALD APRIL 16, 2008

DEFENDANT'S OBJECTIONS

Start	Stop	Objection
Pg. 42, ll. 16.	Pg. 43, ll. 2	Lack of foundation – he did not draft or prepare this book. 602
Pg. 57, ll. 17.	Pg. 57, ll. 24.	Lack of foundation, witness says can't answer the question. 602
Pg. 58, ll. 4.	Pg. 59, ll. 19.	Lack of foundation, witness says can't answer the question. 602
Pg. 72, ll. 25.	Pg. 73, ll. 8.	Lack of foundation, has no knowledge of whether these periodicals or magazines published anything. 602. Also non-responsive.

August 6, 2009

DANIEL, TOMMY November 26, 2007

Defendants' Objections

Testimony Range	Objection	Authority
29:15-21	Lack of foundation, no relevance. Improper character reference to Martin Maner	
47:9-16	Lack of foundation. Not microbiologist	
56:5-12	Improper opinion testimony, lack of foundation	
61:17-25	Lack of foundation	
74:23-25	Mischaracterization of prior testimony	
75:8	Mischaracterization of prior testimony	
90:5-25	No relevant, not specific to the IRW	
98:23-99:7	Lack of foundation	
103:11-19	Lack of foundation, Mischaracterization of prior testimony, assumes facts not in evidence, leading	
129:25-130:5	Lack of foundation	
136:13-137:1	Lack of foundation	
178:14-24	Lack of foundation	
179:16-20	Lack of foundation	
179:25-180:2	Lack of foundation, assumes facts not in evidence	

Plaintiff's Objections

Testimony Range	Objection	Authority
142:4 & 15	Calls for speculation	For all authority, see Rules cited in objection column
144:23	Rule 401, 403 Relevance, misleading, confusion of issues	
145:3	Rule 401, 403 Relevance	
145:9	Foundation and Rule 602; Lack of knowledge	
146:21	Rule 401, 403 Relevance	
147:22	Rule 401, 403 Relevance and confusion of issues	
149:3, 11, 15, 20	Rule 401, 403 Relevance	
150:3, 8, 13	Rule 401, 403, Relevance; Confusion of issues and misleading to jury;	
150:17-18	Leading	
151:4	Rule 602, Foundation and 701 Opinion of lay witness	
151:14, 20	Leading; Rule 401, 403 Relevance, misleading and confusion of issues	

153:10	Rule 403, Relevance, confusion of issues and misleading to the jury: 802 hearsay	
153:15	Leading, assumes facts not in evidence; 802 hearsay	
154:22	Foundation, Rule 602 lack of personal knowledge	
160:18	Rule 602 Foundation and lack of knowledge; Rule 403 Relevance confusion of issues	
161:2, 5	Rule 602 Foundation and lack of knowledge; Rule 403 Relevance Confusion of Issues and Assumes Facts not in evidence and mischaracterizes flow in terms of being a flood -leading	
162:25	Mischaracterizes, overly generalizes the evidence	
163:19	Move to strike response after "no" as not called for by question	
165:4	Rule 403, Relevance and confusion of issues and misleading to the jury – Rule 602 Foundation lack of knowledge	
169:10	Foundation, Rule 602 Lack of knowledge; Rule 403 misleading and confusion of issues for the jury	
169:15	Vague, ambiguous and confusing as to what is water pollution and its reference to runoff, streams or lakes	
171:8 & 13	vague, ambiguous and confusing as to what is water pollution and its reference to runoff, streams or lakes	
174:12	Rule 401, 403, Relevance, confusion of issues and misleading; 701 opinion not based on specialized scientific knowledge	

DELAP, CHARLIE– August 22, 2008

Defendants' Objections

Start	Stop	Objection	Authority
Global objection to use of term “waste” with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term “phosphorus” with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of terms “dispose” or “disposing” with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 59, ll. 14.	Pg. 59, ll. 23.	Lack of foundation; assumes facts not in evidence; unfairly prejudicial	FRE 403, 602

Plaintiff's Objections

Testimony Range	Objection	Authority
86:24	Leading, suggestive, mischaracterizes Facts and evidence; Rule 401 Relevance	FRE 401
87:14	Rule 401 Relevance	FRE 401

DERICHSWEILER, MARK May 23, 2008

Defendants' Objections

Testimony Range	Objection	Authority
Pg. 203, ll. 3 - 15	Lack of foundation; authentication of exhibit	FRE 901
Pg. 204, ll. 14 - Pg. 205, ll. 2	Lack of foundation; lack of personal knowledge; hearsay; authentication of exhibit; calls for speculation	FRE 602, FRE 802 FRE 901

Plaintiffs' Objections

Testimony Range	Objection	Authority
Pg. 62, ll. 14 - 17	Confusion of issues, Misleading, Vague and Ambiguous	Rule 403
Pg. 66, ll. 21 - Pg. 67, ll. 2	Confusion of issues, Misleading, Vague and Ambiguous	Rule 403
Pg. 69, ll. 8 - 23	Relevance	Rule 401
Pg. 70, ll. 2 - 24	Relevance; Lack of Knowledge	Rule 401 Rule 602
Pg. 71, ll. 5 - 20	Relevance; Lack of Knowledge	Rule 401 Rule 602
Pg. 77, ll. 5 - 10	Confusion of the issues or misleading jury; Vague and Ambiguous	Rule 403
Pg. 103, ll. 16 - 25	Relevance	Rule 401
Pg. 104, ll. 1 - Pg. 105, ll. 19	Relevance	Rule 401
Pg. 106, ll. 7 - 21	Relevance; Lack of personal knowledge; Calls for a legal conclusion and speculation; Authentication, Outside the scope of the 30(b)(6) Notice	Rule 401 Rule 602 Rule 901
Pg. 109, ll. 5 - 14	Relevance	Rule 401
Pg. 109, ll. 23 - 110, ll. 24	Relevance	Rule 401
Pg. 111, ll. 13 - 20	Relevance	Rule 401

Pg. 112, ll. 5 - Pg. 113, ll. 12	Relevance; Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 113, ll. 24 - Pg. 114, ll. 11	Outside the scope of the 30(b)(6) Notice	
Pg. 115, ll. 9 - 12	Relevance; Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 116, ll. 2 - 14	Relevance; Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 123, ll. 8 - Pg. 124, ll. 9	Relevance; Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 126, ll. 7 - 15	Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation	RULE 401
Pg. 128, ll. 20 - Pg. 129, ll. 11	Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation	Rule 401
Pg. 130, ll. 8 - 15	Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation	Rule 401
Pg. 131, ll. 7 - Pg. 133, ll. 25	Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation	Rule 401
Pg. 134, ll. 16 - Pg. 136, ll. 4	Relevance; Outside the scope of the 30(b)(6) Notice; Calls for speculation	Rule 401
Pg. 145, ll. 20 - Pg. 148, ll. 17	Relevance; Outside the scope of the 30(b)(6) Notice; Lack of personal knowledge	Rule 401 Rule 602
Pg. 149, ll. 19 - Pg. 150, ll. 15	Relevance; Outside the scope of the 30(b)(6) Notice; Lack of personal knowledge; Calls for speculation	Rule 401 Rule 602
Pg. 150, ll. 24 - Pg. 153, ll. 2	Relevance; Outside the scope of the 30(b)(6) Notice; Rule 602 Lack of personal knowledge;	Rule 401

Pg. 153, ll. 4 - 10	Relevance	Rule 401
Pg. 157, ll. 18 - Pg. 158, ll. 4	Relevance	Rule 401
Pg. 161, ll. 18 - 163, ll. 20	Relevance	Rule 401
Pg. 164, ll. 22 - Pg. 165, ll. 23	Relevance	Rule 401
Pg. 166, ll. 2 - Pg. 167, ll. 11	Relevance	Rule 401
Pg. 168, ll. 16 - Pg. 169, ll. 22	Relevance	Rule 401
Pg. 169, ll. 24 - Pg. 171, ll. 23	Relevance, Lack of personal knowledge	Rule 401 Rule 602
Pg. 172, ll. 8 - Pg. 175, ll. 2	Relevance	Rule 401
Pg. 180, ll. 14 - Pg. 181, ll. 9	Relevance	Rule 401
Pg. 182, ll. 7 - Pg. 183, ll. 2	Relevance, Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 183, ll. 4 - Pg. 185, ll. 7	Relevance; Lack of personal knowledge; Lack of Foundation	Rule 401 Rule 602 Rule 901
Pg. 185, ll. 25 - Pg. 187, ll. 14	Relevance; Lack of Foundation	Rule 401 Rule 901
Pg. 189, ll. 14 - Pg. 190, ll. 3	Relevance; Outside the scope of the 30(b)(6) Notice	Rule 401
Pg. 192, ll. 25 - Pg. 193, ll. 18	Relevance	Rule 401

Derichsweiler, Mark July 6, 2008

Defendants' Objections

Testimony Range	Objection	Authority
Pg. 287, ll. 25 - Pg. 288, ll. 9	Calls for legal conclusion; leading	FRE 602
Pg. 288, ll. 20 - 22	Calls for legal conclusion	FRE 602

Plaintiff's Objections

Testimony Range	Objection	Authority
70:18-23	Relevance; calls for legal conclusion	FRE 401
91:5-15	Confusion of the issues and misleading the jury; calls for legal conclusion	FRE 403
92:17-93:6	Confusion of the issues and misleading the jury; calls for legal conclusion	FRE 403
107:21-108:9	Relevance; confusion of the issues and misleading the jury	FRE 401, 403
133:24- 134:5	Confusion of the issues and misleading to the jury; vague and ambiguous	FRE 403
156:15-21	Mischaracterizes previous testimony; ambiguous and unintelligible	
181:8-12	Relevance; calls for legal conclusion	FRE 401
213:17-25	Relevance; confusion of the issue sand misleading to the jury	FRE 401
218:9-12	Confusion of the issues; misleading the jury; mischaracterizes previous testimony; assumes facts in dispute or not in evidence; vague	
229:24- 230:3	Confusion of the issues; misleading the jury; misleading to the jury	
242:3-7	Relevance; confusion of the issues and misleading the jury	FRE 401; 403
243:8-12	Confusion of the issues and misleading to the jury	FRE 403
260:12-22	Confusion of the issues and misleading to the jury; mischaracterizes previous testimony;	FRE 402

	ambiguous	
265:12-266:1	Relevance; unfair prejudice; attorney client privilege; hearsay	FRE 401; 403; 503; 802
266:21 – 267:2	Relevance; unfair prejudice; attorney client privilege; hearsay	FRE 401; 403; 503; 802
267:5-11	Relevance; unfair prejudice; attorney client privilege; hearsay	FRE 401; 403; 503; 802
268:9-17	Relevance; unfair prejudice; attorney client privilege; hearsay	FRE 401; 403; 503; 802
270: 16-23	Relevance; unfair prejudice; attorney client privilege; hearsay	FRE 401; 403; 503; 802
275:8 – 277:4	Relevance; confusions of the issues and misleading to the jury; calls for a legal conclusion; mischaracterizes previous testimony	FRE 401; 403
278:7-14	Outside the scope of the 30(b)(6) notice; lack of personal knowledge	FRE 602 FRCP 30(b)(6)
278:17- 279:8	Relevance; vague and ambiguous; confusion of the issues and misleading to the jury; mischaracterizes previous testimony	FRE 401; 403